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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,357	02/19/2004	Norman Herron	UC0409USNA	4173

23906 7590 03/31/2010  
E I DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON, DE 19805

EXAMINER
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THOMPSON, CAMIE S

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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03/31/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,357	<b>Applicant(s)</b> HERRON ET AL.	
	<b>Examiner</b> Camie S. Thompson	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 2/8/10.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 24 is/are allowed.
- 6) ☒ Claim(s) 9, 13, 14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 10-11, 15-16, 21-23 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 8, 2010 has been entered.
2. Applicant's amendment and accompanying remarks filed February 8, 2010 are acknowledged.
3. Examiner acknowledges amended claim 1.
4. The rejection of claims 1-8, 20-23 and 25 under 35 U.S.C. 102(a) as being anticipated by WO 03/064373 is overcome by applicant's amendment.
5. The rejection of claims 9-11, 13-23 and 25 under 35 U.S.C. 102(b) as being anticipated by Tokoli et al., U.S. Patent Number 4,665,000 is withdrawn due to applicant's argument.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

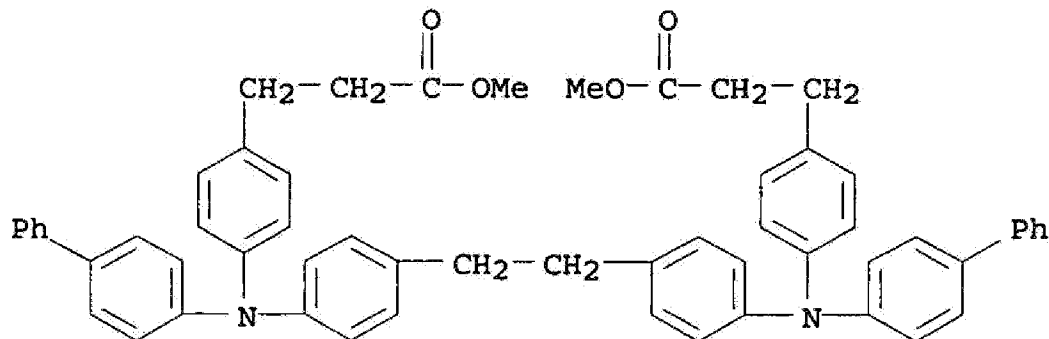
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9, 13-14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nukada et al., JP 2000-143786.

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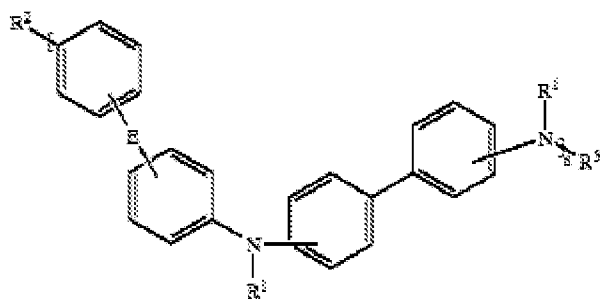
Nukada discloses polyester structures that are formed by reacting the following structure



with diol components (see entire document and STN search). The above structure reads on the present claims when  $R_2$  is phenyl;  $E$  is  $(CR_5R_6)_m$  with  $R_5$  and  $R_6$  both being hydrogen and  $m$  being 2 and  $R^1$  is an aryl group (which can be a substituted aryl group). The present claims do not provide a proviso for  $m=2$ .

### *Allowable Subject Matter*

8. Claims 1-8 and 24 are allowed. Applicant claims a compound having formula I,



9. as defined in claim 1. The closest prior art, Richter et al., U.S. Pre Grant Publication 2005/0067951, discloses triarylamines used in electronic devices. Richter fails to teach the triarylamine of formula I of present claim 1.

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Applicant claims process for producing a polymer of instant formulae (I) and (II). The closest prior art, Tokoli et al., U.S. Patent Number 4,665,000; Richter et al., U.S. Pre Grant Publication 2005/0067951 and Nukada et al., JP 2000-143786, disclose triarylaminines used in electronic devices. None of Tokoli, Richter or Nukada discloses a process of producing a polymer by reacting two or more of compounds having the general formulae of (I) or (II) in the presence of copper, nickel or palladium catalyst at a temperature of 22 deg C to 150 deg C for 24 to 92 hours to form a first polymer; treating the polymer with an endcapping group and further reacting the capped polymer for 24 to 48 hours.

10. Claims 10-11, 15-16, 21-23 and 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant claims a compound of structure III, further including substituents as required by present claims 10-11 and 15-16. Also, applicant claims an electronic device comprising a compound of structure II. The closest prior art, Nukada et al., JP 2000-143786 teaches the generic compound of structure II; however, Nukada does not provide for an electronic device comprising structure II or the substituents for structure II as required by present claims 10-11 and 15-16.

### ***Response to Arguments***

11. Applicant's arguments with respect to the present claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camie S. Thompson whose telephone number is 571-272-1530. The examiner can normally be reached on Monday-Friday 8:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/  
Supervisory Patent Examiner, Art Unit 1794

/Camie S Thompson/  
Examiner, Art Unit 1794